

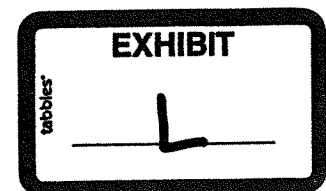
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ANITA ARRINGTON-BEY, etc.,)
)
 Plaintiff,)
)
 v.) Case No. 1:14-CV-02514
) Judge Patricia A. Gaughan
 THE CITY OF BEDFORD HEIGHTS,)
 et al.,)
)
 Defendants.)

THE DEPOSITION OF JEFFREY MUDRA
FRIDAY, APRIL 17, 2015

The deposition of JEFFREY MUDRA, a witness, called for examination by the Plaintiffs, under the Federal Rules of Civil Procedure, taken before me, Kristine M. Esber, a Notary Public in and for the State of Ohio, pursuant to notice, at the offices of Friedman & Gilbert, 55 Public Square, Suite 1055, Cleveland, Ohio, commencing at 11:38 a.m., the day and date above set forth.

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1 signs of mental illness?

2 **A. Medically trained?**

3 Q. No. Were you trained in any way to identify
4 signs of mental illness?

5 **A. I don't recall.**

6 Q. All right. So do you recall having any contact
7 with Omar Arrington-Bey --

8 **A. Yes.**

9 Q. -- when he was in the jail back on June 21st,
10 2013?

11 **A. Yes.**

12 Q. And how did you come in contact with him?

13 **A. I had to book him in.**

14 Q. What time did you come on duty that day?

15 **A. Three o'clock.**

16 Q. All right. And when you came in where was the
17 first -- when did you learn that he was there when you
18 came in; did you see him?

19 **A. No.**

20 Q. Did anybody tell you about him?

21 **A. They told me they had a guy in interview that**
22 **was being loud.**

23 Q. Okay. And who's they?

24 **A. The day shift personnel.**

25 Q. Well, do you know who they were?

1 Q. Yes.

2 A. Twenty minutes.

3 Q. All right. And then what do you do after you
4 look at the paperwork?

5 A. Usually I go and tell them -- I'll go from
6 holding, wherever the people are being held, and I tell
7 them we're going to get moving here, so I can get you
8 either bonded out or holding. I always like to tell
9 them we're going to get going.

10 So the faster I can get you processed, the
11 faster I can get you to housing, the faster I can get
12 you bonded out.

13 Q. I know that is your practice, right?

14 A. Yes.

15 Q. But do you remember that particular day actually
16 going to the room that Mr. Bey was at?

17 A. Yes.

18 Q. Okay. And what room was he in?

19 A. He was in interview.

20 Q. And so what did you do?

21 You went up to the room?

22 A. M-hm,

23 Q. What did you say -- or what did you notice about
24 him, if anything?

25 A. Well, he was -- let's see, when I came in, I

1 believe he was just standing there. I know he was
2 singing. And I told him -- I introduced myself and I
3 tell him, hey, let's get you processed in, give me, you
4 know, -- give me some time and we'll get to you. And
5 then, you know, just as soon as I talked to him he was
6 quiet.

7 Q. Okay. And what was he singing; do you remember?

8 A. No.

9 Q. Anything unusual about that?

10 A. No.

11 Q. Okay. And was he loud?

12 A. I mean, yeah, I could hear him. Yeah. Of
13 course he's loud.

14 Q. Well, I don't know. I'm asking.

15 A. I mean it would be like me singing in here, it
16 would be loud.

17 Q. Okay. You wouldn't sing in here, would you?

18 A. No, no.

19 MR. CLIMER:

Thank you.

20 A. That would be terrible.

21 Q. Okay. So then you had that brief moment with
22 him, right?

23 A. Correct.

24 Q. And then where did you go?

25 A. I don't recall.

1 the first page?

2 **A. Yes.**

3 Q. And is that your handwriting there?

4 **A. Yes.**

5 Q. And how did you get his social security number;
6 did he tell you that?

7 **A. I don't recall.**

8 Q. Is there any other way you can get it?

9 **A. I mean, through dispatch, but I believe he told**
10 **me.**

11 Q. All right. And then what is the purpose of this
12 billing statement?

13 **A. Inmate records or billing purposes for county.**

14 Q. Okay. And it says refused. He wouldn't print
15 his name?

16 **A. Correct.**

17 Q. When you took him out of the cell to get booked
18 were you the one that took him out of the interview
19 room?

20 **A. Yes.**

21 Q. What was his demeanor like?

22 **A. He was okay.**

23 Q. And did he go with you to the booking desk?

24 **A. Yes.**

25 Q. And he sat down?

1 **A. Yes.**

2 Q. Okay. And he was cooperative --

3 **A. Yes.**

4 Q. -- at that time?

5 **A. Yes.**

6 Q. But he refused to fill out that billing
7 statement, right?

8 **A. Yes.**

9 Q. Do you know why?

10 **A. I don't recall.**

11 Q. Okay. And did you have him sign the bottom of
12 that page?

13 **A. Yes.**

14 Q. Did you put the X there, or he put the X there?

15 **A. I put the X there.**

16 Q. Okay. And what about this release officer's
17 signature; are you the release officers?

18 **A. He wasn't released.**

19 Q. Okay.

20 THE WITNESS: Can we take
21 a quick break?

22 (Thereupon, there was a recess.)

23 BY MR. GILBERT:

24 Q. Can you go back to the first page?

25 **A. Okay.**

1 **don't remember if that was entering for sentence, or --**
2 **I don't remember.**

3 Q. So you don't know what that's for, do you?

4 **A. Yeah. I don't recall.**

5 Q. But that was the form that was used for Omar
6 Arrington-Bey?

7 **A. Correct.**

8 Q. And does it look like the form you routinely
9 used?

10 **A. Yes.**

11 Q. And no one ever told you what that meant?

12 **A. I don't recall.**

13 Q. And you don't know what it means?

14 **A. Yeah. I don't recall.**

15 Q. Well, I asked if you know what it means?

16 **A. I understand what it means here, yes.**

17 Q. But no one told you about what to do with that
18 entry?

19 **A. Yeah. I don't recall.**

20 Q. You don't recall anybody telling you?

21 **A. No, I don't.**

22 Q. Okay. Now, I want you to look at the booking
23 system medical evaluation.

24 **A. Okay.**

25 Q. What is this form?

1 **A. This is the general questions.**

2 Q. And is this typically known as the initial
3 medical, mental health screening?

4 **A. Yes.**

5 Q. All right. And we've gone through how important
6 that is, right?

7 **A. Yes.**

8 Q. All right. And this was the form that was in
9 use on the date that Mr. Arrington-Bey was there,
10 right?

11 **A. Yes. This is generated from the booking**
12 **procedure.**

13 Q. Okay. If you look down to the bottom of the
14 form, --

15 **A. M-hm.**

16 Q. -- it has a space for remarks.

17 **A. Yes.**

18 Q. Do you ever use that?

19 **A. Yes.**

20 Q. What's that for?

21 **A. That's if they've had past suicidal -- like if**
22 **they're going to divulge any type of medical history,**
23 **stuff like that.**

24 Q. Is that a place for you to put any observations
25 you may have as to their demeanor or mental state?

1 right?

2 **A. I added to this, (indicating) yes.**

3 Q. You --

4 **A. I just went in to the booking module, went to**
5 **him and added it.**

6 Q. All right. But you didn't -- there's nothing in
7 here to indicate that this was an addition. I only
8 know that because you're telling me, right?

9 **A. Correct.**

10 Q. So when we look back at this, if you were not
11 around, God forbid for any reason or you're living in
12 another country, no one would know why this was done
13 unless somehow we could talk to you?

14 **A. Safe to say.**

15 Q. Okay. Because you didn't sign it, you didn't
16 date it, and you didn't put a time, correct?

17 **A. Correct.**

18 Q. All right. So after the booking process you
19 took him back to the interview room?

20 **A. Correct.**

21 Q. And were there any more behavioral issues that
22 you noticed involving Omar while he was in that cell?

23 **A. Can you be more specific on that?**

24 Q. Okay. Did you notice anything unusual about his
25 consuming of food?

1 **A. I don't believe I actually watched him eat.**

2 Q. Did you notice him doing push-ups?

3 **A. Yes.**

4 Q. Was he talking when he was doing them?

5 **A. I don't recall. But I see that a lot when**
6 **they're in holding and stuff.**

7 Q. All right. So tell me about what led up to the
8 altercation. Tell me the situation there. I believe
9 there was something about a phone call.

10 **A. Yes.**

11 Q. And what did you do then?

12 How did you find out that he wanted a phone
13 call?

14 **A. I asked him.**

15 Q. All right. Because you wanted to get him out?

16 **A. Yeah. I'd like to see people bond out.**

17 Q. Okay. And what did he say?

18 **A. Yes.**

19 Q. All right. And then what did you do?

20 **A. I brought him out for a phone call.**

21 Q. All right. You personally, or did you --

22 **A. M-hm, me.**

23 Q. All right. So there was only one of you?

24 **A. Yes.**

25 Q. Okay. And is it safe to say that you didn't

1 know anything about him kicking the door earlier in the
2 day, that the two women COs were concerned for their
3 safety or any of that; the only thing you knew was that
4 he was loud, right?

5 **A. Yes.**

6 Q. Okay. And you were not concerned about the
7 pills when you took him out of the cell?

8 **A. Correct. Because I don't know what they're for.**

9 Q. All right. And you never tried to find out what
10 it was for, correct?

11 **A. Well, our nurse was coming in.**

12 Q. But not at that time?

13 **A. Right. She comes in at roughly 18:00, around**
14 **there somewhere.**

15 Q. What time did you go to take Omar out of the
16 cell?

17 **A. I believe it was around 6:30.**

18 Q. Okay. And what happened?

19 **A. On what part?**

20 Q. So tell me everything you can tell me about
21 going to the cell and getting him out.

22 **A. I went to the cell, opened the door and asked**
23 **him if he wanted to try to make any more phone calls.**

24 Q. And what did he say?

25 **A. Yes.**

1 Q. Okay. Then what happened?

2 A. I brought him out. We walked towards the
3 booking desk.

4 Q. And how far of a distance is that?

5 A. You know what, I have no -- let's see, 20 feet,
6 25 feet.

7 Q. Okay. He was not handcuffed, correct?

8 A. Correct.

9 Q. You didn't see any need to handcuff him?

10 A. No. He perceived no threat to me.

11 Q. Okay. And then what happened?

12 A. He asked where his cell phone was. And I had no
13 idea what he was talking about. And at that point I
14 believe he did not want a phone call and wanted to go
15 back.

16 Q. Okay.

17 A. And as we were walking back, he stopped, looked
18 at me and then attacked me.

19 Q. Did he say anything before he attacked you?

20 A. Not to my recollection. I remember him looking
21 at me.

22 Q. Did he say, I can break a man's neck 17
23 different ways?

24 A. Yes, he did say that. That was after the phone
25 call.

1 Q. This is before he attacked you?

2 A. Yes.

3 Q. And what did you say to him?

4 A. I believe I told him, we don't have to go there.

5 Q. Did you tell him that you were going to try to
6 find where his cell phone was?

7 A. Absolutely.

8 Q. Okay. And then so he didn't want to make a
9 phone call, correct?

10 A. I believe he didn't.

11 Q. And then what did you do?

12 A. That's when we went back to -- he wanted to go
13 back into interview.

14 Q. Okay. And so you turned around and went back to
15 the interview room?

16 A. Right, with him. He was on my left side.

17 Q. And then what happened?

18 A. Well, we got to the intersection by central
19 control in the hallway, and that's when he stopped and
20 looked at me and that's when he attacked me.

21 Q. How did he attack you?

22 A. He grabbed me around the neck and slammed me to
23 the ground.

24 Q. Okay. And was there anybody else there in the
25 vicinity?

1 felt that maybe you had a chance to avoid that?

2 MR. CLIMER: Objection.

3 Go ahead.

4 THE WITNESS: Hm?

5 MR. CLIMER: Go ahead and
6 answer.

7 THE WITNESS: I can go
8 ahead and answer?

9 **A. I believe so.**

10 Q. And had you known that the two women COs were
11 afraid to take him out of the cell and told you, don't
12 let him out without another officer, you would have
13 probably had another officer do that, correct?

14 MR. CLIMER: Objection.
15 Go ahead.

16 **A. I would -- safe to say I would actually try to**
17 **determine and see how he is with me.**

18 Q. All right. So he attacked you to, slammed you
19 to the ground. He was on top of you?

20 **A. Yes.**

21 Q. And he was choking you?

22 **A. Yes.**

23 Q. And at that point what did you say; did you yell
24 anything?

25 **A. I yelled for Officer Sindone to get me some**